

WAIMANALO - LAND INVENTORY REPORT

NOV 06 1989

SPECIAL PROJECTS BRANCH
INCOME PROPERTY DIVISION
DEPARTMENT OF HAWAIIAN HOME LANDS

NOV 06 1989

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PART I. Research Methodology

A. The Hawaiian Homes Commission Act, 1920, and the conditions and restrictions on designated available lands.

In 1921, Congress amended the Hawaiian Organic Act to create a special type of homesteading for the benefit of the native Hawaiians. This amending legislation is known as the Hawaiian Homes Commission Act (HHCA), 1920, (42 stat 108), otherwise referred to also hereinafter as the Act. The HHCA established the Hawaiian Homes Commission (HHC), otherwise referred to also hereinafter as the Commission, as a governing body to carry out the purposes of the Act and designated various areas and locations throughout the islands as available lands or Hawaiian home lands (HHL) to serve or be disposed of for the beneficiaries.

The designated available lands immediately assumed the status of HHL at the time of the Act's passage on July 9, 1921, except those designated lands which were under lease in which case such available lands assumed the status of HHL after the expiration of the lease or upon withdrawal thereof by the Commissioner of public lands from the operation of the lease.

Under the original provisions of §204(1) of the Act, it provided that for a period of five (5) years after the first meeting of the HHC (September 20, 1921), only such lands designated in Molokai, and Waimanu, Keaukaha and Panaewa in the island of Hawaii, may be used and disposed of by the Commission, and none of the remaining available lands designated in §203 shall, after the five-year period, be leased, used or otherwise disposed of by the Commission, except upon further authorization of Congress and with the written approval of the Secretary of the Interior.

In three locations designated as available lands on the island of Hawaii, the Act required that selection be made by the Commission out of a larger area and such selected lands assumed the status of Hawaiian home lands after the Commission, with the approval of the Secretary of the Interior, has made the selection and given notice thereof to the Commissioner of Public Lands. The Commission was required to give such notice of selection within three (3) years after the expiration of the five-year period referred to in §204(1) of the original Act. Actually, the Commission had a fixed period of eight (8) years after its first meeting on September 20, 1921, to make the selections. Any selection made and notice thereof given after that period is deemed invalid and of no effect.

On its first meeting, the Commission also passed Hawaiian Homes Commission Resolution (HHCR) No. 1 returning all available lands to the Commissioner of Public Lands, except those lands designated in Molokai and those in the island of Hawaii, namely, Waimanu, Keaukaha and Panaewa, which were authorized to be used and disposed of by the Commission. (It may be doubtful whether this Commission's Resolution No. 1 had the effect of returning all the available lands referred to therein to the Commissioner of Public Lands considering the restrictions indicated by Congress in paragraph 1 of §204.)

On March 27, 1928, §204 of the Act was amended by Public Law 105 (45 Stat 246) by eliminating the restrictions in the disposition of designated lands and dispensing with the approval of the Secretary of the Interior in the withdrawal of designated land from the operation of existing leases. In effect, the amendment generally extended the application of the Act, subject to existing leases, to all designated available lands throughout the islands.

As amended, §204 authorizes the return of home lands not leased under §207 of the Act, including lands selected out of a larger area, to the control of the Commissioner of Public Lands. However, the land so returned shall not be disposed of by the Commissioner except by general lease only and it shall be returned to the Commission upon prior notice in accordance with §212 of the Act. The Commission may choose to retain the lands for its own management and in the management of retained lands, it may dispose of it to the public, including native Hawaiians, under the same terms, conditions, restrictions and uses applicable to the disposition of public lands as provided in Chapter 171 of the Hawaii Revised Statutes (HRS), provided that the Commission (or the department as the administrative arms of the Commission) may not sell or dispose of the lands in fee simple except as authorized by §205 of the HHCA. As further amended on June 18, 1954 by Public Law 415 (63 Stat 262), §204 also authorizes the department, in order to consolidate its holdings and effectuate the purposes of the act, to exchange title to available lands for lands privately or publicly owned, of equal value, subject to the approval of the Secretary of the Interior.

In the early years of the Commission, substantial areas of designated home lands were returned to the control of the Commissioner of Public Lands for administration and disposition pursuant to §212 of the HHCA. However, while under its control and administration, the Commissioner or the land board disposed of some lands for various purposes and in many ways other than

that authorized by the Act. In numerous instances, the land board improperly or illegally disposed of HHL not actually returned to its control and in some instances too, the Commission disposed of lands which were not clearly under its jurisdiction. Misunderstanding of some of the Act's provisions obviously led to such improper or illegal dispositions and the lost home lands are now the subject of administrative, legislative and judicial pursuits by the department to recover the asset or seek compensation therefor.

Most of the home lands established by the HHCA, particularly those areas or locations originally designated in §203 of the Act, were not surveyed or delineated by specific boundary descriptions. The designations simply described the lands in general terms by stating the locations and approximate areas. The purpose of this land inventory report is to identify, account for and document more accurately, consistent with the intent of Congress, the specific boundaries and resulting acreage of all home lands in each location designated by the Act and thus provide the department with a convenient and reliable reference of its entitlements.

B. Identification and accounting of Hawaiian home lands

The initial and basic source of identifying Hawaiian home lands is set forth in Section 203 of the Hawaiian Homes Commission Act, 1920. The lands are described by naming the ahupuaa or smaller land division, the district and the island where the lands are located. Acreages of available land or Hawaiian home lands are assigned for each designated location or described place but Congress appears to have indicated generally estimated acreages after considering certain exclusions.

The Act, in its original provisions, designated Hawaiian home lands in twenty-seven (27) locations. A list of these locations with the approximate areas of available lands or Hawaiian home lands are provided in Attachment No. 1. By later Congressional actions, portions of some of the original Hawaiian home lands were withdrawn from the jurisdiction of the Hawaiian Homes Commission and some territorial lands were also added as Hawaiian Homes Commission lands, and also at various times later, the HHC gave out certain areas of HHL in exchange for private lands and territorial or state lands. The lists of these areas are seen in Attachments Nos. 2 & 3.

Of the original twenty-seven locations, Congress specified that selections out of larger areas were to be made in three (3) locations on the Island of Hawaii and the HHC selected the lands under Hawaiian Homes Commission Resolutions Nos. 5, 6 and 7:

- (1) Humuula Mauka, North Hilo (HHCR No. 4, CSF 5313)
- (2) Piihonua, South Hilo (HHCR No. 6, CSF 5410)
- (3) Kaohe-Makuu, South Hilo (HHCR No. 7, CSFs 5411, 5412)

Interestingly, the Hawaiian Homes Commission, although not required by the Act, also passed selection resolutions for the following locations:

- (1) Panaewa, Waiakea-Uka, Hawaii (HHCR No. 2, CSF 4142)
- (2) Keaukaha, Waiakea-Kai, Hawaii (HHCR No. 2, CSF 4143)
- (3) Kula, Maui (HHCR Nos. 3 and 8, CSF 5332)

However, these selections are not authorized by the Act and do not bind the Hawaiian Homes Commission.

A reading of Section 203 leaves the impression that the lands originally designated therein were supported by specific maps and boundary descriptions and that no difficulty would be encountered in identifying the designated areas. In hearings before the Committee on Territories of the House of Representatives on February 3 and 10, 1920, Territorial Senator John Wise was requested to prepare maps of the proposed lands to be set aside. However, no maps, if ever prepared, have been located. A search of possible repositories in Washington by the Department of the Interior in 1983 failed to confirm the existence of such maps. A similar search in Hawaii also proved fruitless in locating these valuable references, leading one to conclude that such maps are not presently available as ready reference to identify Hawaiian home lands.

In order to proceed with the task of identifying Hawaiian home lands, the originally designated lands described in Section 203 and the additional lands acquired after the passage of the Act were categorized into three groups:

(1) Lands designated in acreage and location with metes and bounds descriptions embodied in the statutes amending §203 of the Act, or specifically described in the acquisition process (see Attachment Nos. 2 & 3).

(2) Lands designated in acreage and location to be selected, out of a larger area, after delineation or surveys:

- (a) Humuula Mauka, North Hilo, Hawaii (HHCR No. 5, CSF 5313)
- (b) Piihonua, South Hilo, Hawaii (HHCR No. 6, CSF 5410)
- (c) Kaohe-Makuu, South Hilo, Hawaii (HHCR No. 7, CSFs 5411 & 5412)

(3) Lands merely designated in specific locations with approximate acreages without particular maps or boundary descriptions:

Hawaii

- (a) Kamaoa-Puueo, Kau
- (b) Puukapu, South Kohala
- (c) Kawaihae, South Kohala
- (d) Pauahi, South Kohala
- (e) Kamoku-Kapulena, Hamakua
- (f) Waimanu, Hamakua
- (g) Nienie, Hamakua
- (h) Panaewa, Waiakea, South Hilo
- (i) Keaukaha, Waiakea, South Hilo

Maui

- (j) Kahikinui
- (k) Kula

Molokai

- (l) Palaau
- (m) Kapaakea
- (n) Kalamaula
- (o) Hoolehua
- (p) Kamiloloa I & II
- (q) Makakupaia
- (r) Kalaupapa

Oahu

- (s) Nanakuli, Waianae
- (t) Lualualei, Waianae
- (u) Waimanalo, Koolaupoko

Kauai

- (v) Upper land of Waimea, above the cultivated sugarcane land, in the District of Waimea
- (w) Moloaa
- (x) Anahola-Kamalomalo

Obviously, the lands belonging to the first and second categories pose no problem of identification. However, the last group which comprise the bulk of the various designated locations or described place of available lands or Hawaiian home lands present certain difficulty. These designated locations and approximate acreages of available lands or Hawaiian home lands were found to have no maps or specific descriptions which

could readily identify the metes and bounds and the specific area of the home lands. In order to provide direction and know what is and what is not Hawaiian home lands, we therefore looked to key provisions of the Hawaiian Homes Commission Act and pertinent provisions of the Hawaiian Organic Act.

As enacted, Section 203 of the HHCA provided in part:

All public lands of the description and acreage as follows, excluding (a) all lands within any forest reservation; (b) all cultivated sugarcane lands, and (c) all public lands held under certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement are hereby designated, and hereinafter referred to as "available lands" (Emphasis added.)

Section 201(a)(2) of the HHCA provided that the term "public lands" has the same meaning as defined in paragraph (3) of subdivision (a) of Section 73 of the Hawaiian Organic Act.

Simultaneous with the consideration and passage of the HHCA on July 9, 1921, Congress also amended §73 of the Hawaiian Organic Act and for the first time defined the term "public lands," as follows:

(3) The term "public lands" includes all lands in the Territory of Hawaii classed as government or crown lands previous to August 15, 1895, or acquired by the government upon or subsequent to such date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; except (1) lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, (2) lands set apart or reserved by Executive order by the President, (3) lands set aside or withdrawn by the governor under the provisions of subdivision (q) of this section, (4) sites of public buildings, lands used for roads, streets, landings, nurseries, parks, tracts reserved for forest growth or conservation of water supply, or other public purposes, and (5) lands to which the United States has relinquished the absolute fee and ownership, unless subsequently placed under the control of the commissioner and given the status of public lands in accordance with the provisions of this Act, the Hawaiian Homes Commission Act, 1920, or the Revised Laws of Hawaii 1915.

From the above cited provisions of Section 203 and 201 of the HHCA and Section 73(a)(3) of the Hawaiian Organic Act, the lands that were excluded from becoming HHL may be grouped together in the following classifications:

- a. all lands within any forest reservations
- b. all cultivated sugarcane lands
- c. all public lands held under certificates of occupations, homestead lease and right of purchase lease, or special homestead agreement
- d. lands set apart or reserved by Executive Order by the President
- e. lands set aside or withdrawn by the Governor under the provisions of subdivision (q) of Section 73 of the Organic Act
- f. sites of public buildings, lands used for roads, streets, landings, nurseries, parks, tracts reserved for forest growth or conservation of water supply, or other public purposes
- g. lands to which the United States has relinquished the absolute fee and ownership, unless reverted to the status of public lands prior to the Act
- h. lands of private ownership

The department believes the provisions of §203 are reasonably clear, although apparently, for emphasis in some instances, certain provisions tend to be repetitious of what has been stated. There were numerous parcels or tracts of federally or territorially reserved lands or set-asides for public purposes or areas subject to existing public uses which are within the geographical areas or locations designated by the Act. However, these reserved lands or areas subject to existing public uses were not within the scope of the term "public lands" as defined in §73(a)(3) of the Hawaiian Organic Act. As a general rule, this kind of government lands did not become HHL, unless otherwise expressly stated or manifestly clear from the intention of Congress.

In establishing the exclusions, Congress also was adequately specific. The use of precise language, i.e., "held under", and the naming of particular types of conveyances (certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement) makes clear Congress's intent that only lands disposed or possessed under these conveyances at the time of the Act's passage were to be treated as exclusions. As such, undisposed lots of public lands within existing subdivisions (at that time) were considered Hawaiian home lands.

Further, the term "cultivated sugarcane land," by one legal opinion, included camp sites as such areas maybe needed to operate the plantation. The Department, however, does not concur with this interpretation and has regarded camp sites as "available lands." This view is based on the Department's interpretation of the Congressional intent when the exclusions were designated in that Congress used clear and specific language to describe that only lands cultivated to sugarcane were to be considered as an exclusion. The term "cultivated" does not ordinarily contemplate any other kind of land, and in the absence of specific language which congress could have so provided to manifest a clear intent, this term should be understood in the ordinary sense as not having included any other kind of lands.

Once this understanding was attained, the next task was to trace and identify all the public lands in the stated location at the time of the Act's passage on July 9, 1921, pursuant to Congress's intention as manifested in the statute.

One helpful source in proceeding with this undertaking was the testimonies of Territorial Senator John Wise taken at hearings before the Committee on the Territories of the United States House of Representatives in February 1920. References were made to expiring (at that time) or soon to expire leases issued by the Commissioner of Public Lands. These leases or permits were listed in record books by the Office of the Commissioner of Public Lands and said leases also included maps and descriptions. Most of the documents and related records kept by the commissioner are still available today in the files of the Department of Land and Natural Resources and were diligently reviewed in detail.

Upon this determination of the parcels and tracts of public lands existing on July 9, 1921, identification was further pursued by the process of elimination taking into account the various exclusions provided in Section 203 of the Act and the exceptions from the definition of public lands in section 73(a)(3) of the Organic Act. This research work proceeded on the assumption that Congress generally stated an estimated net acreage by indicating the term "more or less" in designating the area in each given location or ahupuaa, subject to the appropriate exclusions therein. In accounting for the estimated net acreage, all the public lands and other clearly intended government lands subject to congressional authority and disposal in the given ahupuaa or location, regardless of size or contiguity, after considering the exclusions or exceptions, were concluded to be Hawaiian home lands.

In the original 27 locations specified by the Act, it is emphasized that it is the designation or description of the place, known of its name and common boundaries with adjacent land divisions, ahupuaas, or districts, with all the public lands existing in each designated location at the time of the Act's passage, that basically determines the true and correct acreage of Hawaiian home land in each location. It is not necessarily the estimated figure or numerical acreage indicated in Section 203 of the original Act that finally determines and controls the accounting for the area of available lands or Hawaiian home lands in each designated place. The net acreage actually depends upon what remains after correctly considering and applying the exclusions provided in Section 203 of the Act and the exceptions to the definition of public lands under Section 73(a)(3) of the Hawaiian Organic Act. This is significantly clear in the 24 locations designated in that where no selection out of a larger area is required by the Act, all the public lands existing in each designated location or described place became available lands or Hawaiian home lands upon the passage of the Act. In the three locations where selections were specified, the same rules of exclusions or exceptions apply but the area to be selected shall be taken out of a larger area designated as available land. Unless the complete process of selection provided by the Act was complied with, the acreage to be selected did not attain the status of Hawaiian home land. However, any subsequent disposition for other purposes without consent of Congress, of any portion of the designated location or described place in excess of the estimated acreage indicated in Section 203, which already has become available land or Hawaiian home land, or any land grant or disposition of any portion of the designated available land before complete selection could be made and before the period to select expired, appears to contravene the purpose of the Act, hence illegal and void.

The process to determine the Hawaiian home lands acreage also involved the verification of all previous dispositions affecting any portion of the designated area or location. Land Commission Awards, Royal Patents, Land Grants, other government recognized vested rights, executive orders, proclamations and other encumbrances were investigated and verified from the records of appropriate agencies, such as the Survey Office, Department of Land and Natural Resources, State Archives, and the Department of Transportation. In some instances court records were checked to ascertain pertinent proceedings and dispositions which affected the land. Notations indicating various dispositions and encumbrances which were found on the reference maps at the Survey Office were also investigated. Recordation data where needed was also checked at the Bureau of Conveyances. Any previous dispositions to private ownership, such as Land Commission Awards, Royal Patents, Land Grants, or

other government recognized vested rights, unless cancelled or withdrawn, or the lands reacquired by or reverted to the government as public lands prior to July 9, 1921, were considered as exclusions within the meaning of Section 203 of the Act and §73(a)(3) of the Hawaiian Organic Act. Likewise, all government lands disposed of for public purposes by presidential or governor's executive orders and proclamations, or other government lands subject to public uses, existing at the time of the Act's passage, unless clearly included and intended as part of the congressional grant, were also considered as exclusions. All other dispositions and encumbrances made after the effective date of the Act, unless otherwise authorized by Congress, were construed to have not affected the title and jurisdiction of the Hawaiian Homes Commission over the established available lands or home land and have therefore been included in the Department's inventory.

The delineation or survey of Hawaiian home lands which were simply designated in location with approximate areas came at various times but much later than the passage of the Hawaiian Homes Commission Act on July 9, 1921. In some instances, the maps and descriptions thus prepared by the Survey Office did not reflect the correct areas and boundaries intended by the law. This was probably due to the lack of adequate knowledge and common understanding at that time as to the proper applications of the provisions of the Act and more particularly to the exceptions provided in Section 203 and the definition of public lands under §73(a)(3) of the Organic Act. This situation was further complicated by the doubtful authority of other government agencies in the use or management of Hawaiian home lands, such as those disposed of by executive orders and proclamations after July 9, 1921, for public purposes or uses, and the possible unaccounted changes of the boundaries, especially on sugarcane lands, occurring between the passage of the Act and the time of survey. Subsequent survey maps, while they may provide great help in identifying Hawaiian home lands, cannot be construed as absolutely controlling in identifying the original area and boundaries intended by the Act. The tax map system was also introduced much later than the passage of the HHCA. Information gathered through this system is not entirely reliable and accurate enough to support an original claim for correct acreage and boundaries of Hawaiian home lands.

The approach developed by the Department can be generally applied to determine the Hawaiian home lands in all the given locations.

Also, as previously noted, Section 203 designated the location by naming the ahupuaa, or smaller land division, the district and the island, although Kahikinui and Kula were exceptions to this format as the name represented the districts consisting of a group of ahupuaas.

Based on the analysis of historical data, studies, and information gathered in the foregoing described process, an inventory of Hawaiian home lands has been assembled and prepared which, to our best efforts and knowledge, represents the most accurate and reliable estimate of the Department's present landholdings or entitlements in the given locations. This identification is believed to be sufficiently supported by factual information and a methodology that is consistent with the intent of Congress in 1921 when the said Hawaiian home lands were designated.

ATTACHMENT NO. 1

LANDS DESIGNATED IN ORIGINAL ACT

Hawaii Acres (more or less)

1. Kamaoa-Puueo, Kau	11,000, more or less
2. Puukapu, South Kohala	12,000, more or less
3. Kawaihae, South Kohala	10,000, more or less
4. Pauahi, South Kohala	750, more or less
5. Kamoku-Kapulena	5,000, more or less
6. Waimanu, Hamakua	200, more or less
7. Nienie, Hamakua	7,350, more or less
8. Humuula Mauka, North Hilo	53,000 to be selected
9. Panaewa, Waiakea-Uka	2,000, more or less
10. Keaukaha, Waiakea-Kai	2,000, more or less
11. Piipihonua, South Hilo	2,000 to be selected
12. Kahohe-Makuu, South Hilo	2,000 to be selected

Maul

13. Kahikinui	25,000, more or less
14. Kula	6,000, more or less

Molokai

15. Palaaui	11,400, more or less
16. Kapaakea	2,000, more or less
17. Kalamaula	6,000, more or less
18. Hoolehua	3,500, more or less
19. Kamiloloa I & II	3,600, more or less
20. Makakupaia	2,200, more or less
21. Kalaupapa	5,000, more or less

Oahu

22. Nanakuli, Waianae	3,000, more or less
23. Lualualei, Waianae	2,000, more or less
24. Waimanalo, Koolaupoko	4,000, more or less

Kauai

25. Upper land of Waimea, above the cultivated sugarcane lands, in the District of Waimea	15,000, more or less
26. Moloaa	2,500, more or less
27. Anahola-Kamalomalo	5,000, more or less
	203,500

Attachment No. 2

Summary of Congressional Acts
(Additions and Withdrawals of HHL)

<u>STATUTE</u>	<u>DATE</u>	<u>AREA</u>	<u>LOCATION</u>
A. <u>ADDITIONS</u>			
P. Law 227 (48 Stat. 777)	5/16/34	82.000 ACS	Papakolea, Honolulu, Oahu
P. Law 200 (50 Stat. 497)	7/10/37	39.156 ACS	Papakolea, Honolulu, Oahu
		16.47 ACS	Keaukaha Kai, South Hilo, Hawaii
P. Law 581 (62 Stat. 295)	6/3/48	12.455 ACS	Waiehu, Wailuku, Maui
P. Law 594 (62 Stat. 303)	6/3/48	401.423 ACS	Anahola, Kauai
P. Law 481 (66 Stat. 511)	7/9/52	47.074 ACS	Papakolea, Honolulu, Oahu
	TOTAL	598.578	
B. <u>WITHDRAWALS</u>			
P. Law 397 (49 Stat. 966) 11	8/29/38	204.90 ACS	Hoolehua/Palaau (Airport Lands), Molokai
P. Law 320 (58 Stat. 260)	5/31/44	53.399 ACS	4 parcels Keaukaha Tract I, South Hilo
	5/31/44	13.527 ACS	Portion of Palaau (Airport Lands), Molokai
P. Law 634 (62 Stat. 387)	6/12/48	50.00 ACS*	Portion of Keaukaha Tract 2, South Hilo
P. Law 481 (66 Stat. 511)	7/9/52	31.60 ACS	Parcel 3, Papakolea, Honolulu, Oahu
	TOTAL	353.426	

Net acreage gained by DHHL as a result of Congressional Additions and Withdrawals - 245.152 ACS. The 401.423 Acres in Anahola include undetermined area of wastelands which became HHL on 7/9/21 pursuant to the original provision of §203(5) of the HHCA. The 50.00 Acre land in Keaukaha was returned to the State and now under the control of DHHL except 1.85 Acres for roadway and cable easements reserved by the U.S.A. (FAA).

Attachment No. 3
Summary of Land Exchanges
(as of March 31, 1967)

GIVEN BY DHHL (IN ACRES)

ACQUIRED BY DHHL (IN ACRES)

Date	Location	T.M.	Map/ Description	In Fee	Easement	Location	T.M.	Description	Map/ Description	In Fee	Easement	Value
1.												
7-9-56	Puutapu ENVIROM- Kaeula Airport	6-7-182	CSF 12243	756.395 (net) to R. Saart								\$95,664.75
	Pauahi, parcel P	6-2-01	CSF 12253		0.116							
	Puutapu, parcel T	6-7-01	CSF 12251		0.490							
	lots 10 & 11 (Por.)											
	Kaohu, parcel U	4-7-07	CSF 12252		6.410	Waikoloa/ Waialeale	4-6-06,07	CSF 12244		1,216.000	From R. Saart	\$106,320.75
	lots 2, 3, & Road				0.060							
	Kienie, parcel W	4-6-11	CSF 12250									
	lot 17 (por.)				1.076							
2.												
11-7-56	Waianae: Agri. Park (Gross Area = 3,160 ACS.)	4-18 HHS Plat 2166	CSF 12559	561.580 (net)							Waived by R. Saart	\$10,155.25
	Kawaihae Residence Lots	6-1-02,04	CSF 12444	30.855 (net)		Waianae Kekaha Houselots	4-1-03,06,11 1-3-01,02	CSF 12443 Map Carton 23	87.560 19.952			\$119,652.85
				592.435 10 T.H.						107.512	from T.H.	\$119,642.17
												\$10.68
												Paid by TH to DHHL

Attachment No. 3
Summary of Land Exchanges
(as of March 31, 1967)

GIVEN BY DLNR (IN ACRES)

ACQUIRED BY DLNR (IN ACRES)

Date	Location	Tk	Map/ Description	In Fee	Easement	Location	Tk	Map/ Description	In Fee	Easement	Value
3.											
1-6-62	Maianalo	4-1-06, 16	CSF 13526	10.086							
		4-1-14	CSF 13527	116.000							
	Auwaiolu	2-2-14	CSF 10349	0.021							
		2-4-33	CSF 11587	0.153							
	Kapaetea Cemetery Site	5-4-03	CSF 13526	2.766							
	Kapiloloa Water Tank Site, power line easement	5-4-03	CSF 13527	0.826	0.449						
	Panewa Tract 1 (por.)	2-2-47	CSF 13529	10.000							
	Hawaii Belt Road		CSF 13530	2.008							
	Kaolu, parcel 6	4-7-07	CSF 13531	1.824							
	parcel 7	4-7-07	CSF 13532	2.137							
	parcel 8	4-7-07	CSF 13533	1.786							
	Maialaia parcel 9	4-7-07	CSF 13534	1.448							
	Maialaia parcel 10	4-7-07	CSF 13535	1.823							
	parcel 11	4-7-07	CSF 13536	2.496							
	parcel 12	4-7-07	CSF 13537	3.430							
	Kapulena parcel 13	4-7-07	CSF 13538	4.297							
	parcel 14	4-7-07	CSF 13539	1.233							
	Puukapu parcel 3	6-4-03	CSF 13540	0.827							
	parcel 2-A (Rev.)	6-4-03	CSF 13541								
				165.363	to DLNR						
						Maianalo, Wailea	4-1-08	CSF 13550	23.707		\$662,005.00
						St. area					
						Paukalo, National	3-3-01	CSF 13525	61.040		
						Guard Site					
									84.747	From DLNR	\$663,000.00
										Waived by DLNR	\$995.00

Attachment No. 3
Summary of Land Exchanges
(as of March 31, 1967)

GIVEN BY DMHL (IN ACRES)

ACQUIRED BY DMHL (IN ACRES)

Date	Location	TAK	Map/ Description	In Fee	Easement	Location	TAK	Map/ Description	In Fee	Easement	Value
4.											
1-8-62	Keulaha										
	Tract 1, parcel 1-A	2-2-13	CSF 13461	5.035							
	Tract 1, parcel 1-B	2-2-22	CSF 13461	103.203							
	Tract 1, parcel 1-C	2-2-23	CSF 13461	42.990							
	Tract 2, parcel 4	2-2-24	CSF 13461	41.463							
		2-2-25									
		2-2-26									
		2-2-21									
				192.691	to DLNR						
						Adjacent to					
						County Quarry & Pit Site	2-1-13	CSF 13460	192.691	from DLNR	Acce for Acce
5.											
1-8-62	Keulaha Tract 1	2-2-13	CSF 13511	1.515	to DLNR						
	parcel 4-a					Panama Area Adjacent to					
						County Quarry & pit site	2-1-13	CSF 13510	1.515	from DLNR	Acce for Acce

Attachment No. 3
Summary of Land Exchanges
(as of March 31, 1987)

GIVEN BY DMHL (IN ACRES)

ACQUIRED BY DMHL (IN ACRES)

Date	Location	Trk	Map/ Description	In Fee	Easement	Location	Trk	Map/ Description	In Fee	Easement	Value
6.											
1-6-62	Hoolahua land south of airport	5-2-01	CSF 13659	1,045,000	to DLNR	Maunae Valley	8-5-04	CSF 13642 Parcel 1 Parcel 2 Parcel 3	78,700 154,530 10,030 ----- 243,260	from DLNR	\$28,980.00
7.											
1-16-67	Poukapu Agri. Exper. Station		CSF 14127	196,414	For tel. line & 40 ft. wide Tunnel reservoir						
	Kauai Belt Road Anahola										
	parcel 10	4-08-03	CSF 13002	0.321							
	parcel 10-8	4-08-03	CSF 13003	6.597							
	parcel 10-9	4-03-03	CSF 13004	0.359							
	parcel 11	4-03-03	CSF 13005	0.206							
	parcel 16	4-03-03	CSF 13006	0.129							
	parcel 16-A	4-03-03	CSF 13007	0.006							
	parcel 31	4-03-03	CSF 13008	0.003							
	parcel 24	4-8-11	CSF 15072	0.012							
	parcel 27	4-8-11	CSF 15073	0.010							
	parcel 29	4-8-11	CSF 15074	0.116							
	parcel 29-B	4-8-11	CSF 15075	0.023							
	parcel 30	4-8-11	CSF 15076	0.032							
	parcel 37	4-8-05,06	CSF 15077	0.203							
	parcel 37-A	4-8-05,06	CSF 15078	0.030							
	parcel 37-B	4-8-05,06	CSF 15079	0.037							
	parcel 40	4-8-05,06	CSF 15080	0.319							

				8.403							

Attachment No. 3
Summary of Land Exchanges
(as of March 31, 1987)

GIVEN BY DML (IN ACRES)

ACQUIRED BY DML (IN ACRES)

Date	Location	Trk	Map/ Description	In Fee	Easement	Location	Trk	Map/ Description	In Fee	Easement	Value
(cont.)	Molokai parcel 12	4-9-10	CSF 13802	17.246							
	Kaula Sewer Plant	2-1-11	CSF 15083	4.154							
	Panama Hana 1 lot 55	2-2-60	CSF 15082	6.002							
	Hana 1 lot 54	2-2-60	CSF 15081	1.983							
	Kawihapeli Road	6-1-01, 04, 05	CSF 15084	26.331							
	parcels 1 to 55										
	Hoolihua F. Ave.	5-2-07, 15	CSF 15128	12.192							
	parcels 1 to 79										
	Lualualei Mailili	8-4-01	CSF 15007	0.415							
	Channel & trib.										
	parcel 18			267.140	to DLMR						\$203,120.00
						Piikohoua Agri. Lands	2-6-18	CSF 15008	5,078.000	from DLMR	\$203,120.00
B.											
6-26-85 Maialaea Flood Control Project											
	parcel 6	2-2-61	CSF 20741	3.617							
	parcel 8	2-1-25	CSF 19213	3.468							
	parcel R	2-1-25	CSF 19213	3.584							
	parcel S	2-1-25	CSF 19213	0.172							
	parcel T	2-1-25	CSF 19214	3.573							
	parcel V-1	2-1-25	CSF 19214	0.021							
	parcel W-1	2-1-13	CSF 19214	5.553							
				19.988	to DLMR						\$384,300.00
						Maialaea	2-1-13	CSF 20215	54.127	from DLMR	\$384,300.00

Attachment No. 3
Summary of Land Exchanges
(as of March 31, 1987)

GIVEN BY DHHL (IN ACRES)

ACQUIRED BY DHHL (IN ACRES)

Date	Location	THK	Map/ Description	In Fee	Easement	Location	THK	Map/ Description	In Fee	Easement	Value
3/25/86	Maunaloa Blanche Pope Sch. Site	4-4-08-31	CSF 1896J	2.667	0.046 Access Road						
	Kanaloa Sch. Complex	B-6-7	CSF 18184	65.246	Elec. Trans. lines, guys, anchors & cable						
	Maunaloa Comp. Health Center	B-6-1	CSF 16770	14.352	Elec. Trans. lines						
	Maunaloa Channel	B-7-1	CSF 14600, par. 4	1.012	Drainage parcels B-1, B-2, slope par. S-4, elec. power lines.						
		B-7-1	CSF 16466	0.569							
		B-7-1	CSF 16467	0.375	Elec. power lines						
				84.621	to DLNR						
						Maunaloa Kai Subdivision B-6-0J Subdivision, Unit J		File Plan 1368 lots 1 to 150	20.114	From DLNR Haw. Tel. perpetual right of way & 20 ft. road- way setback line, on lots 1 to 20 & 150; Easements E-1 to E-15 electrical powerlines on certain lots; C & E drainage lot 14B & sewer lot 150	\$5,936,200.00 \$6,371,000.00 to be paid by DHHL \$437,800.00

ACQUIRED BY DPHL (IN ACRES)

Total HHL given out in Exchanges-- 3,292.433

DHHL NET Acreage gained in Land Exchanges--3,719.355

PART II: HISTORICAL BACKGROUND AND ANALYSIS
OF THE LANDS OF WAIMANALO

During the Great Mahele in 1848, King Kamehameha III reserved to himself and his heirs the ahupuaa of Waimanalo as one of the crown lands. At that time the whole ahupuaa was believed to have a total area of about 6,970 acres. The king leased the land to Thomas Cummins for a term of 50 years from February 12, 1850 at \$350.00 per annum. King Kamehameha III died on December 15, 1854, and his successor, King Kamehameha IV, executed on November 7, 1855 a deed (warranty) on the land in favor of William Webster, who mortgaged the land to William L. Lee for a consideration of \$2,000.00. The mortgage was released on February 14, 1857. William Webster again mortgaged the land to J.H. Lafrenz on February 13, 1857 and the mortgage was released on April 26, 1858. When King Kamehameha IV died on November 30, 1863, he was succeeded to by King Kamehameha V. Upon the death of William Webster on March 23, 1864, the land of Waimanalo was found listed in Webster's estate inventory. The legislature of the Hawaiian Islands passed an act on January 3, 1865, to relieve The Royal Domain from encumbrances, to make it inalienable, and to provide for the appointment of a Board of Commissioners of Crown Lands. After about 30 years, said act was repealed on August 14, 1895 by Act No. 26. King Kamehameha V died on December 11, 1872 and William C. Lunailo became his successor who was proclaimed king of the Hawaiian Islands on January 8, 1873. When King Lunailo died on February 3, 1874 David Kalakaua succeeded him to the throne and he was proclaimed King of the Hawaiian Islands on February 12, 1874.

Apparently, the king's lease of February 12, 1850 was based on a map and description (no record available on file) prepared by A Thurston and this map was copied in a reduced size by C.S. Kittredge in July 1877 (Exhibit "A").

The Commissioners of Crown Lands leased the whole ahupuaa of Waimanalo under G.L. No. 165 (Exhibit "B") to John A. Cummins, based on the Kittredge map, for a term of 30 years from November 22, 1890. The lessee, however, subleased the land to Waimanalo Sugar Company on June 22, 1892 and the lease was assigned to said company on December 28, 1918. A portion of 370 acres located along Waimanalo Bay was withdrawn from the operation of the lease by virtue of an agreement between the lessor and the lessee, dated February 17, 1919 (Exhibit "B-1"). The term of the lease was extended (Exhibit "C") for one year from its expiration and finally terminated in November 1921.

G.L. No. 165 generally described the perimeter of the ahupuaa in terms of natural boundaries and the configuration of the land as may be seen in the 1877 map differs in some portions of the boundaries of the ahupuaa as shown in a subsequent map, HTS Plat 2045 (Exhibit "D"), compiled in July 1916 (without area and descriptions) showing the whole lands of Waimanalo. The difference is more apparent on the northern side abutting Kailua and on some points along the ridge at the southern boundary. The two maps (Exhibit "A" and Exhibit "D") which are so far the only survey maps available as visual reference to show the entire lands of Waimanalo may not be wholly accurate to account the actual boundary of the ahupuaa. The boundaries of the whole Waimanalo lands appear to be more accurately shown in the tax maps (see Zone 4 and Zone 4, Section 1, Exhibit "E" and Exhibit "F"). More recent and technical surveys,

descriptions and specific dispositions or subdivisions of the lands of Waimanalo, studied, verified and piece by piece assembled in this research, conform visibly with the exterior boundaries shown in the tax maps and there is no apparent conflict with the surrounding districts. In particular, it has been noted that in the map under G.L. No. 165, the Waimanalo-Kailua boundary line in its northern portion does not jibe with the more technically and recently established boundary line of the Waimanalo Military Reservation under Pres. Executive Order No. 2565 as amended by Pres. Executive Order No. 4802, although the same boundary more or less conform to that of HTS Plat 2045. On the other hand, in HTS Plat 2045, the southern boundary along the Koolau range appears to be quite different and confusing when compared with the established boundary for the same section as shown in the forest reserve map under CSF 3856, HTS Plat 2166 and the tax maps. But this southern boundary shown in CSF 3856, HTS Plat 2166 and the tax maps more or less conform with that of the 1877 map under G.L. No. 165.

A. By reference to separate and more technically prepared survey maps, descriptions and specific dispositions, or subdivisions made of all Waimanalo lands since 1907, the whole ahupuaa was found to have a total area of about 7,069.098 acres (see Table 1). This acreage of the ahupuaa is believed to be more accurate than the area indicated in G.L. No. 165. The breakdown of the 7,069.098 acres as accounted for from the maps and descriptions or dispositions with corresponding identifications and areas (see first and second columns of Table 1) are as follows:

- (1) 9.82 acres - Covered by CSF 2638 (Exhibit "G") disposed of under Pres. Executive Order dated January 12, 1907 (Exhibit "H") for the United States lighthouse site at Makapuu.
- (2) 1,505.99 acres - Disposed of under Pres. Executive Order No. 2565 dated August 28, 1917 (Exhibit "I"), as amended by Pres. Executive Order No. 4802 dated February 2, 1928 (Exhibit "J") which has a net area of 1,497.93 acres.
- (3) 101.308 acres - Waimanalo Beach lots subdivided under HTS Plat 2046 (Exhibit "K").
- (4) 45.61 acres - Covered by CSF 3537 (Exhibit "L") and disposed of as Waimanalo Beach Park under G.E.O. No. 92 dated April 7, 1921 (Exhibit "M").
- (5) 3,556.70 acres - Covered by CSF 3668 dated October 14, 1921 (Exhibit "N") and disposed of under G.L. No. 1388 to Waimanalo Sugar Co. (Exhibit "O").
- (6) 1,420.0 acres - Covered by CSF 3856 (Exhibit "P") and disposed of as forest reserve under Gov. Proc. dated January 23, 1923 (Exhibit "Q").

- (7) 118.0 acres - Covered by CSF 13252 (Exhibit "R") exchanged by the Department of Hawaiian Home Lands (DHHL) with State lands under the Department of Land and Natural Resources on January 8, 1962.
- (8) 95.36 acres - A distinct parcel of land included as part of CSF 16678 (Exhibit "S") located south of the Kalaniana'ole Highway and between CSF 13252 and eastern boundary of CSF 3856.
- (9) 9.27 acres - Covered by CSF 6670 and known as parcel F (Exhibit "T").
- (10) 60.80 acres - Distinct portion of parcel E under CSF 5707 (Exhibit "U").
- (11) 8.568 acres - Waimanalo Residence Lots, 4th Series, Plat 21.13 HH (Exhibit "V").
- (12) 20.80 acres - Covered by CSF 11053 (Exhibit "W") and formerly under cancelled G.E.O. No. 1393 for public park for the City and County of Honolulu.
- (13) 8.75 acres - Consisting of two parcels covered by CSF 10512 (Exhibit "X") and CSF 10511 (Exhibit "Y") both disposed of under G.E.O. No. 1245 (Exhibit "Z") as additions to the Waimanalo Beach Park.
- (14) 59.789 acres_± - Total area of parcels B, C, E and portion of parcel A, all under CSF 5629 (Exhibit "AA") and formerly covered by G.E.O. No. 437 dated October 17, 1930 (Exhibit "BB").
- (15) 12.013 acres - Consisting of the lands north of the Kalaniana'ole Highway and between parcels C and E of CSF 5629 and shown in portion of Reg. Map No. 2833 (Exhibit "CC").
- (16) 36.33_± acres - Portion of the Kalaniana'ole Highway, from the southwestern corner of parcel A (portion withdrawn from G.E.O. No. 437) to the Waimanalo-Maunaloa boundary at Makapuu, as shown in map file with Plat 21.11 HH (Exhibit "DD") with an estimated length of 15,826.54 feet and a width of 100 feet.

The Hawaiian Homes Commission Act (HHCA), 1920, was enacted on July 9, 1921, and Section 3 thereof designated 4,000 acres of Waimanalo as available lands to become Hawaiian Home Lands. This designated acreage is subject to certain exclusions as provided in said section, including certain beach lands,

and also subject to the definition of public lands as provided in section 73 of the Hawaiian Organic Act. The area of 4,000 acres was not surveyed or delineated with specific descriptions so that the determination of what are available lands and exclusions was considered in accordance with the exclusionary rules in Section 203 and the definition of public lands.

The methodology and process of determination was more particularly discussed and explained in Part I of this report.

B. As of July 9, 1921, with the total area of 7,069.098 acres comprising the lands of Waimanalo, about 4,480.281 acres (see Column 3, Table 1 with further details in Table 2) were already disposed of for various purposes to government agencies and private persons, or considered exclusions from becoming Hawaiian Home Lands under the provisions of the HHCA and pursuant to the definition of public lands under section 73 of the Organic Act, and these disposed of lands consist of the following:

- (1) 9.82 acres - land described in CSF 2638 (Exhibit "G") disposed of under Pres. Executive Order dated December 12, 1907 for the United States for lighthouse site at Makapuu.
- (2) 1,505.99 acres - Land disposed of under Pres. Executive Order No. 2565 dated August 28, 1917 (Exhibit "I"), as resurveyed, and amended by Pres. Executive Order No. 4802 dated February 2, 1928 (Exhibit "J") for the Waimanalo Military Reservation (Bellows Field).
- (3) 146.918 acres - Lands comprising the areas of 101.308 acres subdivided under Plat 2046 (Exhibit "K") known as beach land in Waimanalo referred to in §203 of the HHCA and 45.61 acres described in CSF 3537 (Exhibit "L") established as Waimanalo Beach Park under G.E.O. No. 92 dated April 7, 1921 (Exhibit "M"). Portions under Exhibits "K" and "L" were subdivided under Plat 21.9 HH (Exhibit M-1) into 118 lots (30.23 acs.) and disposed of under HHC leases
- (4) 2,791.139 acres - Consisting of the cultivated sugar cane lands within CSF 3668 (Exhibit "N") surveyed in October 1921 to be covered by G.L. No. 1388 (Exhibit "O") to the Waimanalo Sugar Company.
- (5) 7.00 acres - Consisting of the spring lot and pipeline easement under Pres. Executive Order No. 1179 dated February 7, 1911 (Exhibit "EE") and within the forest reserve under CSF 3856 (Exhibit "P").

- (6) 8.445 acres - Consisting of the 8.00 acres under CSF 10511 (Exhibit "Y") and 0.445 acre under CSF 10512 (Exhibit "X"), both areas are under G.E.O. No. 1245 (Exhibit "Z") for additions to the Waimanalo Beach Park.
- (7) 6.539 acres₊ - Consisting of 0.44 acre for the combined areas of 2 kuleanas and 6.099₊ acres strip of land along the shoreline, both areas are within the remaining (not with- drawn by E.O. No. 3267) portion of parcel A CSF 5629 (Exhibit "AA") covered by G.E.O. No. 437 (Exhibit "BB").
- (8) 4.38 acres - LCAs, old grants & roads between parcels C & E, CSF 5629, EO-437.
- (9) 0.05 acre - Makapuu Lighthouse pipeline easement (por.)

Certain undetermined areas of trails and old roads are subject to exclusion from the estimated area of 36.33₊ acres of Kalaniana'ole Highway which is part of Hawaiian Home Lands.

C. The rest of Waimanalo lands with a total area of about 2,588.827 acres (see Table 3) were all public lands which became "available lands" or Hawaiian Home Lands upon the passage of the HHCA on July 9, 1921. These public lands may be accounted for and identified as wholly or partially covered by the following maps and dispositions:

- (1) 561.58 acres - Portions of the 3,183 acres under HTS Plat 2166 (Exhibit "FF") and exchanged with DLNR on November 7, 1956. The said exchange included an estimated portion of about 2.00 acres of the pasture land shown in CSF 3668 formerly covered by G.L. No. 165 and G.L. No. 1388.
- (2) 81.64 acres - Area known as parcel A CSF 5707 (Exhibit "GG") and also known as coral ledge or waste land as shown in CSF 3668 under G.L. No. 1388.
- (3) 75.01₊ acres - Major portions of the original area of the pasture lands under G.L. No. 165 (Exhibit "B") and subsequently included as part of CSF 3668 (Exhibit "N") under G.L. No. 1388 (Exhibit "O"), and later at different points in time, disposed of for various purposes such as school sites, church lot, addition to Waimanalo Military Reservation, and residential subdivisions (see Table 5).
- (4) 33.83 acres - This area is part of the non-cane land shown in CSF 3668 under G.L. No. 1388 and included in the 121.39 acres covered by CSF 12443 (Exhibit "HH"). The 87.56 acre portion of CSF 12443 which was part of the cane land under

G.L. No. 1388 was acquired by DHHL in the land exchange dated November 7, 1956 (Exhibit "II").

- (5) 8.901 acres - Another portion of non-cane land within CSF 3668, G.L. No. 1388, located along the Kalaniana'ole Highway between U.S. Military Reservation Monument Nos. 5 and 6, now surveyed under CSF 16464 (Exhibit "JJ").
- (6) 4.60 acres - Portion of parcel A CSF 5707 (Exhibit "GG"), and a non-cane part of 7.10 acres within CSF 3668. The 7.10 acres represent the acreage difference between G.L. No. 1388 (CSF 3668, Exhibit "N") and subsequent G.L. No. 2543 (CSF 3668 Revised 1937, Exhibit "KK"). The remaining portion of 2.50 acres ± of the 7.10 acres appears to be State lands.
- (7) 1,413.0 acres - Represent the net area under CSF 3856 (Exhibit "P") established as forest reserve by Gov. Proc. dated January 3, 1923 (Exhibit "Q").
- (8) 118.0 acres - Land covered by CSF 13252 (Exhibit "R") given out to DLNR in a land exchange dated January 8, 1962 (Exhibit "LL").
- (9) 95.36 acres - Lands south of the Kalaniana'ole Highway, included as part of CSF 16678 (Exhibit "S"), and located between lands under CSF 13252 (Exhibit "R") and CSF 6670 (Exhibit "T").
- (10) 9.27 acres - Land known as parcel F under CSF 6670 (Exhibit "T"), located south of the Kalaniana'ole Highway between parcel E, CSF 5707 (Exhibit "U") and portion of CSF 16678 (Exhibit "S").
- (11) 60.80 acres - Land south of the Kalaniana'ole Highway, and portion of parcel A CSF 5707 (Exhibit "GG"), excluding 7.10 acres which was part of CSF 3668 under former G.L. No. 1388.
- (12) 8.568 acres - Land subdivided under Plat 21.13 HH (Exhibit "V") and known as Waimanalo Residence Lots, 4th Series.
- (13) 20.80 acres - Land under CSF 11053 (Exhibit "W") formerly covered by cancelled G.E.O. No. 1393 and now part of License No. 313 issued by DHHL to City and County of Honolulu for operation and maintenance as public park.

- (14) 0.305 acres - Estimated portion of the land under CSF 10512 (Exhibit "X") included as addition to Waimanalo Beach Park under G.E.O. No. 1245 (Exhibit "Z")
- (15) 53.20 acres - Lands consisting of 5 parcels (portion of parcel A, and parcels B, C, E and F) under CSF 5629 (Exhibit "AA") formerly covered by G.E.O. No. 437 (Exhibit "BB") for Waimanalo Beach Park and withdrawn by G.E.O. No. 3267 dated December 27, 1984 (Exhibit "MM"). These areas are also parts of License No. 313 issued to the City and County of Honolulu. It is noted that in parcel A, CSF 5629 (see last footnote in Table 1), about 7.771 acres were within G.E.O. No. 92 (CSF 3537) and Plat 2046, and about 6.539 acres also of parcel A consist of 0.44 acre (combined areas of 2 land commission awards) and an estimated 6.099+ acres located along the shoreline (outside of CSF 3537, G.E.O. No. 92). Thus, the portion of parcel A withdrawn by G.E.O. No. 3267 is estimated to be 8.00 acres (subject to result of survey).

In parcel F, out of its gross area of 26.08 acres, 0.05 acre consists of pipeline easement under Pres. Executive Order No. 1119, and from the remaining area of 26.03 acres of parcel F, a portion of 0.65 acre is allegedly part of B.P. Bishop Estate's Apana 30, L.C.A. 7713 within Maunaloa, and conveyed in 1934 to the City and County of Honolulu for use as automobile parking area (see deed of sale, liber 1116 p. 456, Exhibit "NN"). Said withdrawn portion of parcel A, and parcels B, C, E and F (apparently including the 0.65 acre) are now covered by License No. 313 issued by DHHL to the City and County of Honolulu for operation and maintenance as public park.

Portions of parcels C and E of CSF 5629 were withdrawn by G.E.O. No. 761 dated 7/12/37, (Exhibit "OO") from G.E.O. No. 437 and were made parts of Grant Nos. 10527 and 10532, respectively. (See attached list of 26 Land Grants, Exhibit "PP").

- (16) 7.633 acres - Consists of the lands north of the Kalaniana'ole Highway, between parcels C and F of CSF 5629, and shown in portion of Reg. Map No. 2833 (Exhibit "CC") and covered by 24 land grants issued by DLNR (see List of 26 Land Grants, Exhibit "PP").

- (17) 36.33+ acres - Estimated portions of Kalanianaʻole Highway shown in map (File with Plat 21.11 HH, Exhibit "DD") (see also Item 16 in Table 1).

D. As of today, DHHL has under its control 474.799 acres only (see Table 4) out of the 2,588.827 acres which became available lands or Hawaiian Home Lands on July 9, 1921, and this area may be identified and accounted for as follows:

- (1) 108.635 acres - Remaining lands under CSF 12443 (Exhibit "HH") after exchanging 10.088 acres under CSF 13526 (Exhibit "QQ") and 2.677 acres under CSF 18961 (Exhibit "QQ-1") with DLNR for the Blanche Pope Elementary School site on January 8, 1962 and March 4, 1987. A portion of CSF 13526 surveyed as CSF 16470 (Exhibit "QQ-2") consisting of 2.384 acres proposed to be exchanged with DLNR but not continued, and now disposed of under Hawaiian Homes Commission leases.
- (2) 81.64 acres - Area of parcel A, CSF 5707 (Exhibit "GG")
- (3) 23.707 acres - Area under CSF 13550 (Exhibit "SS") acquired from DLNR in the land exchange of January 8, 1962.
- (4) 8.901 acres - Parcel of non-cane land within CSF 3668 under former G.L. No. 1388, located along the Kalanianaʻole Highway, and now surveyed as CSF 16464 (Exhibit "JJ").
- (5) 95.36 acres - Portion of land under CSF 16678 (Exhibit "S") consisting of the area located south of the Kalanianaʻole Highway and between the land covered by CSF 6670 (Exhibit "T") and the land under CSF 13252 (Exhibit "R") given out to DLNR in the land exchange of January 8, 1962.
- (6) 9.27 acres - Land covered by CSF 6670 (Exhibit "T") located between parcel E, CSF 5707 (Exhibit "U") and portion of CSF 16678 (Exhibit "S").
- (7) 65.40 acres - Land consisting of portion of parcel E, CSF 5707 (Exhibit "U") which included 4.60 acres of the 7.10 acre portion of CSF 3668 under G.L. No. 1388. The 7.10 acres appears to be the land left by G.L. No. 2345 after revising CSF 3668. About 2.50 acres of the 7.10 acres were cane lands and placed under exclusion.
- (8) 8.568 acres - Land subdivided under Plat 21.13 HH (Exhibit "V") known as Waimanalo Residence Lots, 4th Series.

- (9) 20.80 acres - Land under CSF 11053 (Exhibit "W") formerly covered by G.E.O. No. 1393 (cancelled by G.E.O. No. 3269 dated December 27, 1984) and now included in License No. 313 to the City and County of Honolulu for public park.
- (10) 52.518 acres - Lands under CSF 5629 (Exhibit "AA") formerly covered by G.E.O. No. 437 (Exhibit "BB") and withdrawn by G.E.O. No. 3267 dated December 27, 1984 (Exhibit "MM") consisting of parcel B & portions of parcels A, C, E and F. All said parcels are now covered by License No. 313 issued by DHHL to City and County of Honolulu for operation and maintenance as public park.

E. The rest of the lands belonging to DHHL with a total area of 1,532.96 acres, after a net acreage loss of 581.068 acres given away by land exchanges in Waimanalo, appears to have been illegally taken or disposed of to private persons and government agencies after July 9, 1921 (see Table 5) and these lands are identified as follows:

- (1) 75.01 acres - This area appears to be original pasture lands under G.L. No. 165 (Exhibit "B") and G.L. No. 1388 (Exhibit "O") with CSF 3668 (Exhibit "N") and at different points in time after the Act's passage were disposed of as school sites, campsites, additions to the Waimanalo Military Reservation, church site, and the rest remained as pasture lands until they were disposed of for other purposes by DLNR (see attached list, Exhibit "TT", of land grants and dispositions showing corresponding maps and executive orders, all affecting the 77.01 acre pasture land under CSF 3668) (see also footnote in Table 5 and refer to File Plans 1552 (Exhibit "UU"), 1251 (Exhibit "VV") and 1420 (Exhibit "WW")).
- (2) 8.315 acres - Lands makai of the Kalaniana'ole Highway between parcels C and E, CSF 5629 (Exhibit "AA"), disposed of under 26 Land Grants after July 9, 1921 to private persons and the remaining areas were designated as right of way and drainage reserve. Refer to Reg. Map No. 2833 (Exhibit "CC"), CSF 5629 (sheet 2) (Exhibit "AA"), list of 26 Land Grants and Maps (Exhibit "PP"). These 8.315 acres include 0.347 acre portion of parcel C and 0.335 acre portion of parcel E, covered respectively by Grant Nos. 10527 and 10532 (See Exhibit "PP").

- (3) 36.33+ acres - Estimated area of portion of the Kalaniana'ole Highway established after the passage of the HHCA on July 9, 1921, shown in map file with Plat 21.11 HH (Exhibit "DD"). This area is subject to certain exclusions consisting of old narrow roads and trails (undetermined area) existing on July 9, 1921.
- (4) 1,413.00 acres - Land described in CSF 3856 (Exhibit "P") established as forest reserve under Gov. Proc. dated January 3, 1923 (Exhibit "Q") which was cancelled by G.E.O. No. 3270 dated December 27, 1984 (Exhibit "Q-1"). Said portions consist of 7.742+ acres described in CSF 16342 (Exhibit "YY") disposed of under a grant of perpetual easement (liber 7790 p. 351, Exhibit "ZZ") to Hawaiian Electric Company and a total area of 0.736+ acre also disposed of as pipeline easements and reservoir site to the Board of Water Supply under G.E.O. No. 1954 and described in CSF 13413 (Exhibits "AAA" and "BBB"), G.E.O. No. 2642 described in CSF 15946 (Exhibits "CCC" and "DDD") and G.E.O. No. 1977 described in CSF 13557 (Exhibit "EEE" and "FFF"). Refer also to last footnote in Table 3.
- (5) 0.305 acre - This is an estimated area of the portion of the land described in CSF 10512 (Exhibit "X") covered and disposed of by G.E.O. No. 1245 (Exhibit "Z") and now used as approach area and right of way to the Waimanalo wharf.

Some areas indicated in this report are estimates and therefore subject to the result of actual verification or survey. Unless otherwise ascertained and duly established, the figures and analysis in this report shall serve as reference for the location, boundaries and acreage of Hawaiian Home Lands in Waimanalo.

In summary, the ahupua'a of Waimanalo has approximately a total area of 7,069.098 acres, and about 4,480.281 acres of this area were already encumbered and thus excluded from becoming Hawaiian Home Lands on July 9, 1921. As of that date, there were about 2,588.827 acres disposable public lands which became Hawaiian home lands. DHHL got short of 1,411.173 acres of the 4,000 acres estimated by Congress for Hawaiian Homes purposes. Out of the department's total entitlement of 2,588.827 acres, it has under its control 474.799 acres only, while a total of 1,532.96 acres, after a net acreage loss of 581.068 acres by land exchanges, are under the control of private persons and government agencies. The federal government has under its control an estimated area of 3.397 acres within the Waimanalo Military Reservation (Bellows Field) pursuant to G.E.O. No. 1023 (see parcels 1 and 2, CSF 9781) which were part of the 77.01 acre pasture land under G.L. No. 165 and G.L. No. 1388 (CSF 3668). A major portion of the said pasture land was granted by DLNR

to and subdivided by the Hawaii Housing Authority which disposed of the lots to private individuals, and the rest of said land was granted or disposed of as school, church and fire station sites and subdivision roads. Also, various parcels with a total area of 8.315 acres located along the shoreline (between parcels C and E, CSF 5629, including 2 land grants within said parcels) were issued land patent grants at various points in time after 1921 to private persons by the Commissioner of Public Lands or the Land Board, and the rest of all other DHHL lands are under the control of other State agencies and the City and County government.

From the data thus gathered and assembled in this work, it indicates DLNR and DHHL have both erroneously taken control and actually disposed of or appropriated lands not belonging to each other. Such lands taken and disposed of by each department are identified and accounted for as follows:

DLNR lands taken and controlled or disposed of by DHHL:

1.	118 lots (except roads) shown in Plat 21.9 HH	30.23 acres
2.	Portion of Parcel E, CSF 5707 (sugar cane area under CSF 3668)	2.50 ₊ acres
3.	Portion of Blanche Pope School site identified as CSF 16470	2.384 acres
	TOTAL -	<u>35.114 acres</u>

DHHL lands taken and controlled or disposed of by DLNR:

1.	Portion of original pasture land within CSF 3668, formerly covered by G.L. No. 1388	75.01 ₊ acres
2.	Lands disposed of under 26 land grants, and R/W for road & drainage, located between parcels C and E of CSF 5629, including 2 grants within said parcels, as shown in Reg. Map 2833	8.315 acres
3.	Portion of the Kalaniana'ole Highway established after 1921 (shown in Map File with Plat 21.11 HH)	36.33 ₊ acres
4.	Portion of CSF 10512 disposed of under G.E.O. No. 1245 and used as approach area and right of way to the Waimanalo wharf	0.305 acre
5.	Waimanalo Forest Reserve covered by CSF 3856 and established by Gov. Proc. dated 1/3/23	1,413.00 acres*
	TOTAL -	<u>1,532.96 acres</u>

With the erroneous takings and dispositions of Hawaiian Home Lands and State Lands as indicated above, there are existing problems between DLNR and DHHL in landholdings in Waimanalo which need to be addressed and settled as soon as possible.

For visual reference to Part II, including paragraphs A to E, and more particularly, the questionable takings and dispositions indicated in the preceeding paragraph, refer to Part IV, Appendix A (Exhibits) and Appendix B (Tax Maps Summaries).

*Gov. Proc. 1/3/23 was withdrawn by Gov. E. O. No. 3270 dated 12/27/84 but DLNR has not actually returned the land to DHHL.

PART III: SYNOPSIS OF WAIMANALO FINDINGS

In G.L. No. 165 (Exhibit "B") describing the boundary of Waimanalo, the whole ahupuaa was indicated to have an area of 6,970 acres, more or less. However, research and study of technical and more recent survey maps and descriptions, as well as various dispositions made of all parcels of lands within Waimanalo, indicate the total area of the whole district (ahupuaa) is approximately 7,069.098 acres, a difference of about a hundred acres from the area indicated in the lease. The difference in area may probably be due to possible and unknown changes of the district boundaries. These changes or differences may be noted by comparing the perimeter of the 1877 map (Exhibit "A") under G.L. No. 165 and a 1916 compiled map for Waimanalo under HTS Plat 2045 (Exhibit "D"). The differences in the boundaries shown in these two maps are readily noted at the northeastern side of Waimanalo abutting Kailua from Wailea Point and on the southern boundary along the Koolau range.

However, a closer look at the more recent subdivision maps, descriptions and dispositions of all parcels comprising the whole ahupuaa (Refer to Table 1) indicates greater acreage and more accurate exterior boundaries of the district than the 1877 map or the 1916 compiled map HTS Plat 2045. The exterior boundaries and aggregate area of Waimanalo as shown in the various subdivision maps and descriptions, carefully assembled and verified, such as the lighthouse site under CSF 2638, the Military Reservation described under Pres. Executive Order No. 2565 (as amended by Pres. Executive Order No. 4802), G.L. No. 1388 described in CSF 3668, the forest reserve under CSF 3658, the beach lots under Plat 2046, the former Beach Parks under CSF 3537, the Waimanalo Beach Park and its additions under CSF 5629, CSF 10511, CSF 10512 and CSF 11053, the lands under CSF 5707 (parcel E) and CSF 6670 (parcel F), the areas described in CSF 16678 and CSF 13252, the Pahonu lots and kuleanas between parcels C and E of CSF 5629 and the portion of the Kalaniana'ole Highway as shown in Plat 21.11 HH, all show the visual boundary of Waimanalo and give a total area of 7,069.098 acres. The exterior boundaries of the district shown in the aforesaid maps and descriptions which indicate no conflict with the surrounding districts visibly jibe with the boundaries of Waimanalo shown in the tax maps (see TMK Zone 4 and Zone 4, Section 1).

The Hawaiian Homes Commission Act, 1920, enacted on July 9, 1921, designated under Section 203 thereof 4,000 acres of the public lands of Waimanalo as Hawaiian Home Lands, subject to the exclusions provided in said section and to the definition of public lands under Section 73 of the Hawaiian Organic Act. Of the ahupuaa's total area of 7,069.098 acres (refer to Table 1) and as of the passage of the Act, about 4,480.281 acres (see Table 2) were excluded from becoming available lands pursuant to the exceptions in §203 and in accordance with the definition of public lands under the Organic Act. After applying the exclusions provided in §203 of the Act, there were about 2,588.827 acres (see Table 3) of public lands which became Hawaiian home lands upon the Act's passage. Today, after three land exchanges made by DHHL in 1956, 1962, and 1986 and as a result of some unauthorized land grants and dispositions made by the Commissioner of Public Lands and the Land Board, only 474.779 acres (see Table 4) actually remain under the control of the Hawaiian Homes Commission, and about 1,532.96 acres (see Table 5) are under the control of private individuals and government agencies, with an estimated area of

about 3.397 acres (parcel 1 and portion of parcel 2, G.E.O. No. 1023) appearing to be within the Military Reservation (Bellows Field) under the control of the federal government.

Among all the various locations and areas established as Hawaiian home lands, it is only in Waimanalo where certain beach lands were excluded from being available land. This particular area is understood and commonly known as the beach lots surveyed under HTS Plat 2046 and the abutting strip of narrow land along the shoreline up to the old Waimanalo wharf.

On February 17, 1919, following the assignment of G.L. No. 165 to the Waimanalo Sugar Co. on December 28, 1918, an agreement (Exhibit "B-1") between the lessee and the Commissioner of Public Lands was made withdrawing approximately 370 acres from the operation of G.L. No. 165. This area is vaguely described as the land lying along the Waimanalo Bay from the Waimanalo Military Reservation up to the Koolau Range and down to Makapuu point. In accordance with the withdrawal instrument the land was intended for beach residences. There are some contentions that this area is the excluded beach land in Waimanalo referred to in §203 of the Act and an opinion was made by one Attorney General on April 4, 1956 supporting this view. However, the Hawaiian Homes Commission, the Commissioner of Public Lands and the Governor and also subsequent Attorneys General apparently did not conform to this opinion. It is DHHL's position that the 370 acre land was merely withdrawn from the operation of the general lease, that the land was open and available for general disposition as public land and that the withdrawal agreement between lessor and lessee to exclude the land from the operation of the lease did not by itself divest the land of its character as disposable public land or sufficiently constitute in the legal sense a reservation so as to qualify the area for exclusion from becoming Hawaiian Home Lands under §203 of the HHCA. The land subdivided under HTS Plat 2046 and the immediate areas toward the shoreline must have been the beach lands in the mind of Congress when §203 was enacted in 1921. This view appears to be more consistent and logical with the nature and concept of a beach land than the 370 acres which includes the high mountain ranges of Koolau at the border of Waimanalo and Maunaloa districts. This position is supported by subsequent transactions made between DHHL and DLNR such as the land exchange of January 1962 by which DLNR acquired from DHHL the land surveyed under CSF 13252 located south of and along the Kalanianaʻole Highway and includes the Sea Life Park area. This conveyance was endorsed by the Office of the Attorney General and the Governor and approved by the United States Secretary of the Interior. Also, the Waimanalo Beach Parks established under G.E.O. No. 437 and G.E.O. No. 1393 consisting of the lands surveyed under CSF 5629 and CSF 11053 located along the Waimanalo Bay were withdrawn respectively by G.E.O. No. 3267 and G.E.O. No. 3269 and returned to the control of the Hawaiian Homes Commission.

As regards contributory lands or such areas as campsites, used in connection with the operation of the sugar plantations, there is nothing, expressed or implied, from the Act itself to include said areas in the classification of cultivated sugar cane land for purposes of the enumerated exclusions in §203. If the Act did not include or specify, where it could have done so, Congress must be understood or assumed to mean only what it really said and nothing more. To ascribe a meaning beyond the provision of the Act, even if it may sound logical but not clearly implied from the Act

itself, is going too far and amounts to a misinterpretation which vitiates the legislative intent. The statute is designed to promote the interest of the beneficiaries and carryout the purposes of Congress, and to attribute an extraneous meaning outside its context to favor another interest is to defeat the purpose of the legislation.

For further justification of the Department's position, it should be pointed out that Congress, particularly the proponents of the bill, must have reasonable knowledge or are assumed at least to have known, the prevailing circumstances and conditions obtaining on the land subject of the legislation, and it is presumed Congress must have in good faith intended to give to the Hawaiian Homes Commission every acre designated and set aside by it, and certainly, such intended lands must be of the kind and nature that could really be used to rehabilitate the beneficiaries. During the deliberation and final passage of the bill, the known total area of the ahupuaa was about 6,970 acres based on G.L. No. 165 and at that time about 4,480 acres were already disposed of and thus considered excluded from becoming Hawaiian home lands. The remaining area of about 2,940 acres apparently comprised the following:

1,413 acres - barren and steep mountain ranges unfit for human habitation

705 acres - waste (inhabitable and unproductive) lands

372 acres - residual portion of habitable and productive area which was about the same or identical tract of land withdrawn in February 1919 from G.L. No. 165

The 370 acre withdrawn land from G.L. No. 165, and the 77.01+ acres original pasture land, as well as the approximately 9 acre reservoir site shown in CSF 3668, were the only remaining habitable and productive areas in Waimanalo that can truly serve the natives for purposes of the Act. To exclude all these lands from the operation of the HHCA, following the contentions of the Attorney General in 1956 (Ops. 56-44, 4/3/56 and 56-46, 4/4/56), means Congress did not after all intend to give anything to the natives but an insignificant acreage of waste lands and areas unfit for human habitation. This could not have been the purpose of Congress. The views expressed by the then Attorney General was not constructive to the purposes of the Act.

This department cannot agree to the aforecited opinions.

Previous resolutions of the Hawaiian Homes Commission returning certain Hawaiian home lands to the Commissioner of Public Lands, unnecessarily selecting certain areas in Waimanalo as Hawaiian home lands, or transferring for use of other government agencies certain portion of Hawaiian home lands, did not preclude the Commission from taking back its lands or securing compensation therefor to restore the trust assets.

Obviously, as reflected in this report, there are long standing problems in the disposition and control of Hawaiian home lands and State lands in Waimanalo (see page 19, Part II). For this Department, its primary concern is the recovery or compensation of its lost lands (see Table 5). Positive steps and decisive effort should be undertaken, as early as possible, together with other government agencies involved, more particularly DLNR, to address and resolve these problems.

For a general visual summary of the Waimanalo land status, refer to Plat 21.11 HH (Exhibit "GGG"), and for more details and other particulars on the subdivision parcels comprising the lands of Waimanalo, refer to Tables 1 to 5 of this Part, paragraphs A to E of Part II and appendices A and B, Part IV, of this report.

TABLE 1

THE ENTIRE LANDS OF WAIMANALO, WITH ITS SUBDIVISIONS AND DISPOSITIONS, MAY BE LISTED AND ACCOUNTED FOR AS FOLLOWS:

	AHUPUAA (ACRES)	EXCLUSIONS FROM HHL (ACRES) (See Table 2)	PUBLIC LAND WHICH BECAME HHL ON 7/9/21 (See Table 3)	HHL UNDER DHHL CONTROL (ACRES) (See Table 4)	HHL UNDER CONTROL OF PRIVATE PERSONS & GOV'T AGENCIES (ACRES) (See Table 5)
1. Pres. E.O. dated 1/12/1907 CSF 2638	9.82	9.82	---	---	---
2. Pres. E.O. 2565 8/28/1917 as resurveyed and amended by Pres. E.O. 4802, 2/2/1928	1505.99	1505.99	---	---	---
3. Waimanalo Beach Lots Plat 2046	101.308) ---) ---) 45.61)	146.918*	---	---	---
4. Waimanalo Beach Park (G.E.O. No. 92, 4/7/1921) CSF 3537					
5. (G.L. No. 1388 to Waimanalo Sugar Co.) CSF 3668, 10/14/1921	3556.70	2791.139	765.561**	220.963	76.93
6. Waimanalo Forest Reserve Gov. Proc. dated 1/23/1923 (CSF 3856)	1420.00	7.00	1413.00	---	1413.00
7. Portion of HHL of Waimanalo exchanged with DLNR 1/8/62 CSF 13252 (The Oceanic Foundation)	118.00	---	118.00	---	---

TABLE 1 (CONT.)

	AHUPUAA (ACRES)	EXCLUSIONS FROM HHL (ACRES) (See Table 2)	PUBLIC LAND WHICH BECAME HHL ON 7/9/21 (See Table 3)	HHL UNDER DHHL CONTROL (ACRES) (See Table 4)	HHL UNDER CONTROL OF PRIVATE PERSONS & GOV'T AGENCIES (ACRES) (See Table 5)
8. Portion of HHL of Waimanalo, CSF 16678 (por.)	95.36	---	95.36	95.36	---
9. Portion of HHL of Waimanalo, "Parcel F" CSF 6670	9.27	---	9.27	9.27	---
10. Portion of HHL of Waimanalo, CSF 5707 Parcel E (67.90 acres)	60.80 (por.)	---	60.80 (por.)	65.40 (includes 4.60 acres non-cane portion of CSF 3668, GL-1388)	---
11. Plat 21.13 HH Waimanalo Residence Lots, 4th Series	8.568	---	8.568	8.568	---
12. CSF 11053 (G.E.O. No. 1393 cancelled by E.O. No. 3269)	20.80	---	20.80	20.80	---
13. E.O. 1245: Section 1-CSF 10512 - 0.75 Section 2-CSF 10511 - 8.00	8.75	8.445	0.305	---	0.305
14. G.E.O. 437, CSF 5629: Parcel A (Portion) - 14.539+ (22.31 less 7.771)*** Parcel B - 6.50 Parcel C - 4.41 Parcel E - 8.26 Parcel F - 26.08	6.539	8.00+ 6.50 4.41 8.26 26.03	8.00+ 6.50 4.063 7.925 26.03	8.00+ 6.50 4.063 7.925 26.03	0.347 0.335
	59.789	6.589	53.20	52.518	

TABLE 1 (CONT.)

	AHUPUAA (ACRES)	EXCLUSIONS FROM HHL (ACRES) (See Table 2)	PUBLIC LAND WHICH BECAME HHL ON 7/9/21 (See Table 3)	HHL UNDER DHHL CONTROL (ACRES) (See Table 4)	HHL UNDER CONTROL OF PRIVATE PERSONS & GOV'T AGENCIES (ACRES) (See Table 5)
15. Lands North of Kalaniana'ole Highway between Parcels C & E of E.O. 437 (CSF 5629) (see Reg. Map No. 2833)	12.013	4.380	7.633	---	7.633
16. Portion of Kalaniana'ole Highway with a roughly estimated length of 15,826.54 ft. at 100 ft. wide from the western corner of Parcel A (withdrawn portion), E.O. 437, to the Waimanalo-Maunaloa Boundary at Makapuu (see Survey Div. Map file with Plat 21.11 HH)	36.33+ ---	Undetermined Area of Trails	36.33+ Subject to 1921 Trails/Roads	---	36.33+ ---
TOTAL	7,069.108	4,480.281	2,588.827 (less 581.068)	474.799	1,532.96

- * About 30.23 acres of this area, consisting of 118 parcels or lots (see TMK: 4-1-19, 4-1-20 & 4-1-21, Appendix B & Plat 21.9 HB, Exhibit M-1) were disposed of under Hawaiian Homes Commission Leases.
- ** 561.58 acres (within HTS Plat 2166) of this area were exchanged with DLNR lands on 11/7/56 & in return DHHL acquired in Waimanalo 87.56 acres (see CSF 12443). On 1/8/62 DHHL exchanged with DLNR 10.088 acres under CSF 13526 (portion of CSF 12443) for the Blanche Pope School site and DHHL acquired from DLNR 23.707 acres under CSF 13550. A proposed exchange of 2.384 acre portion of Blanche Pope School site under CSF 13526 was offered to DHHL and this area (CSF 16470, Exhibit "QQ-2") was placed under the control of DHHL and subsequently disposed of under Hawaiian Homes Commission leases, but the intended exchange was not finally given due course. On March 25, 1986, an area of 2.667 acres (enlarged area of CSF 18469, north of the Blanche Pope School site), now shown in CSF 18961, was exchanged with DLNR for a land acquired by DHHL in Waiānae Kai. With the 1956, 1962 and March 1986 land exchanges, DHHL ownership acreage has resulted to 302.493 acres within CSF 3668 (formerly under G.L. No. 1388) and of this area, 225.563 acres are under DHHL control while the 75.01 acres were disposed of by DLNR for various purposes to private persons and public agencies. The 118.0 acres under CSF 13252, otherwise known as the SEA LIFE PARK area, were also given out to DLNR as part of the 1962 exchange package; thus, in the land exchanges, DHHL consequently acquired in Waimanalo lands a net area of 98.512 acres but also made a total (acreage) net loss of 581.068 acres. After the land exchanges DHHL entitlement resulted to an area of about 2,007.759 acres but only 474.799 acres are under its control, the rest consisting of 1,532.96 acres are under the control of private persons and government agencies.
- *** About 7.771 acres of the total area of 22.31 acres parcel A appear to be parts of G.E.O. No. 92 (CSF 3537) and Plat 2046, and the 6.539 acres consist of the two Land Commission Awards (with a combined are of 0.44 acre) and the remaining part of parcel A along the shoreline (6.099+ acres).

TABLE 2

EXCLUSIONS FROM HAWAIIAN HOME LANDS

Lighthouse site under Pres. E.O. (CSF 2638), dated 1/12/1907	-	9.82
U.S. Military Reservation under Pres. E.O. No. 2565, 3/28/17, as amended by Pres. E.O. No. 4802, 2/2/28	-	1505.99
Waimanalo Beach Lots surveyed 4/1921 (Plat 2046)	-	101.308
Waimanalo Beach Park under G.E.O. No. 92, 4/7/21 (CSF 3537)	-	45.61
G.L. No. 1388, CSF 3668 (por.) consisting of cane lands, Kuleanas and old Roads	-	2,791.139*
Spring lot and pipeline easement under Pres. E.O. No. 1179, 2/7/12 (within Forest Reserve, CSF 3856)	-	7.00
Part of Waimanalo Beach Lands (CSF 10511, E.O. 1245)	-	8.00
Landing zone - Waimanalo wharf (CSF 10512 por.)	-	0.445
Land along shoreline, por. of parcel A, E.O. 437	-	6.099 ₊
2 LCAs within parcel A, E.O. 437	-	0.44
Lighthouse pipeline easement within parcel E, E.O. 437	-	0.05
LCAs, old land grants & old roads, between parcels C & E, CSF 5629, E.O. 437	-	<u>4.38</u>
TOTAL		4,480.281

*This area consists of the following:

2,621.42 acres - cane lands, kuleanas and roads within Plat 2166
(excluding CSF 13550)

87.56 acres - cane land within CSF 12443 (por.) acquired by DHHL
under 11/7/56 land exchange (of the 87.56 acres,
10.088 acres (CSF 13526) were given out to DLNR in
the 1962 land exchange and 2.667 acres (CSF 18961,
Exhibit "QQ-1") were also given away in the March
1986 land exchange, see footnote in Table 1)

(cont.) TABLE 2

23.707 acres - cane land under CSF 13550 acquired by DHHL under
1/8/62 land exchange

58.452 acres - Kuleanas & cane lands believed to be portions of
CSF Nos. 9780 & 9781 (additions to the Military
Reservation) and outside Plat 2166 but within CSF
3668 under former G.L. 1388

TOTAL = 2,791.139 acres

TABLE 3

PUBLIC LANDS WHICH BECAME
HAWAIIAN HOME LANDS ON 7/9/21

Portion of HTS Plat 2166 (within CSF 3668, GL-1388 and includes 2.0 acs.+ exchanged in 1956)	-	561.58*	
CSF 5707, parcel A	-	81.64	
Original pasture lands (school sites, camps, pasture) under GL-1388 (CSF 3668) (77.01 acs. less 2.00 acs. exchanged - part of Plat 2166)	-	75.01	
Portion of CSF 12443 (por.) (non-cane area)	-	33.83	
CSF 16464 non-cane area	-	8.901	
Non-cane portion of parcel E, CSF 5707 (difference between CSF 3668 & CSF 3668 Rev. 1937)	-	<u>4.60</u>	765.561
CSF 3856 (por.)			1,413.000***
CSF 13252			118.000**
CSF 16678 (por.)			95.360
CSF 6670, parcel F			9.270
CSF 5707, parcel E (por.)			60.800
Plat 21.13 HH			8.568
CSF 11053			20.800
CSF 10512 (por.)			0.305
CSF 5629, E.O. 437: parcel A (por.)		8.000+	
B		6.500	
C		4.410	
E		8.260	
F		<u>26.030</u>	
			53.200

(cont.) TABLE 3

Portions of lands between parcels
C & E of CSF 5629, covered by
26 land grants (2 of these grants
appear to include portions of
parcels C and E of CSF 5629)
Also include certain areas for
drainage and road easements

7.633+ *92 8.315 ✓*

Portions of Kalanianaʻole Highway
(map file with Plat 21.11 HH)

36.33+

TOTAL

2,588.827

* Given out to DLNR by the November 7, 1956 land exchange which included an estimated area of 2 acres on the southwest portion of the original 77.01 acre pasture land under G.L. 1388.

** Given out to DLNR by the January 8, 1962 land exchange

*** About 7.742+ acres were disposed of by DLNR for perpetual easement to Hawaiian Electric Co., and a total of 0.736+ acre was disposed of as pipeline easement to the Board of Water Supply by DLNR under G.E.O. Nos. 1954 (CSF 13413 por.), 1977 (CSF 13557 por.) and 2642 (CSF 15946).

TABLE 4

HHL UNDER DHHL CONTROL

CSF 12443 (less CSF 13526 and CSF 18961)	-	108.635	
CSF 5707, parcel A (net)	-	81.64	
CSF 13550	-	23.707	
CSF 16464	-	<u>8.901</u>	222.883
CSF 16678 (por.)			95.36
CSF 6670 (parcel F)			9.27
CSF 5707, parcel E (including 4.60 acres non-cane portion of the 7.10 acres within GL-1388, CSF 3668)			65.40
Plat 21.13 HH			8.568
CSF 11053			20.80
CSF 5629, E.O. 437:			
parcel A (por.)		8.00+	
B		<u>6.50</u>	
C		4.063	
E		7.925	
F		<u>26.03</u>	
			<u>52.518</u>
	TOTAL		<u>474.799</u>

TABLE 5

HHL UNDER CONTROL OF PRIVATE
PERSONS AND PUBLIC AGENCIES

Original pasture lands under GL-1388 (CSF 3668:

Remaining pasture	66.75 acres
Old school site	1.40 acres
Camp site	<u>8.86 acres</u>
	77.01 (less 2.0+ acs. exchanged)

75.01* acres

Public lands (located between parcels C & E, E.O. 437) disposed of after 1921 under 26 land grants to private persons (see attached list and maps) 2 of the 26 grants are within parcels C & E.

8.315 acres

Estimated area of portion of Kalaniana'ole Highway established after passage of HHCA on 7/9/21 (map file with Plat 21.11 HH)

36.33+ acres

Forest Reserve under Gov. Proc. dated 1/3/23 (CSF 3856)

1,413.00 acres

G.E.O. No. 1245, CSF 10512 (por.) used as approach area to Waimanalo wharf

0.305 acre

TOTAL

1,532.96 acres

NOTE: Gov. Proc. 1/3/23, CSF 3856, withdrawn by Gov. E. O. No. 3270 - 12/27/84 but land still controlled by DLNR.

* The original pasture land within the general lease is believed to include not only the 66.75 acres but also the 1.40 acres old school site and the 8.86 acres campsites. The pasture land was later disposed of as school sites (E.O. 180 or E.O. 776, CSF 4241, 6.00 acres; E.O. 1521, CSF 11484, 6.569 acres; E.O. 1648, CSF 11897, 8.490 acres; E.O. 1140, CSF 10275, 1.081 acres), additions to U.S. Military Reservation (E.O. 934, Tract 2A, 1.927 acres now covered by E.O. 2794 (CSF 17556) for Fire Department & Ambulance Station sites; E.O. 1023, parcel 1, 1.597 acres and portion of parcel 2, estimated to be about 1.80 acres), GR-10646, CSF 4681, 1.049 acres, to the Catholic Church, and parts of residential subdivisions under Grant Nos. 15004 (CSFs 16219 & 16220) 34.448 acres, 15140 (CSF 16891) 0.848 acre, 15415 (CSF 18111) 22.173 acres, and 15206 (CSF 17127) 25.523 acres, all issued to the Hawaii Housing Authority. It is also noted that an estimated area of about 2.0 acres of the pasture land (located on the southwest portion) appears to be included in Plat 2166, exchanged with DLNR in 1956, and subsequently disposed as part of GR-15004 to HHA. Study and verification appear to confirm that major portions of Grant Nos. 15004,

15415 & 15206 and the whole areas of Grant Nos. 15140 & 10646, and E.O. Nos. 180 (E.O. 776), 1521, 1648, 934 and 1023 parcel 1 and portion of parcel 2, are within the original 77.01 acre pasture land. (See attached list of land grants and dispositions affecting the 77.01 acres and refer also to File Plans 1552, 1420 and 1251, and tax maps 4-1-09, 4-1-12, 4-1-34, 4-1-33 and 4-1-32 showing the present subdivision of the former pasture land.